



Laura T. Beyer

Laura T. Beyer
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)

In re:

DIABETES ENDOCRINOLOGY & METABOLISM
ASSOCIATES, PA,

Debtor.

Chapter 11

17-30204

**CONSENT ORDER GRANTING MOTION BY AAGT, LLC FOR RELIEF FROM
AUTOMATIC STAY UNDER SECTION 362(d) OF THE BANKRUPTCY CODE IN
RELATION TO THAT PROPERTY LOCATED AT 1698 HIGHWAY 160 W, SUITE 220,
FORT MILL, SOUTH CAROLINA, AND REJECTING LEASE AGREEMENT**

THIS MATTER came before the Court on the Motion (the "Motion") [Doc. No. 32] filed by AAGT, LLC ("AAGT") seeking (i) relief from the automatic stay under section 362(d) of the Bankruptcy Code, to allow for eviction of the above-captioned debtor (the "Debtor") from property located at 1698 Highway 160 W, Suite 220, Fort Mill, South Carolina (the "Property"), or (ii) alternatively, rejection of that Lease Agreement dated August 12, 2012 by and between AAGT, as landlord, and Piedmont Endocrinology Medical Associates, PA, as tenant (the "Lease Agreement"). The Debtor filed an Objection to the Motion on April 12, 2017 (the "Objection") [Doc. No. 39].

A hearing on the Motion occurred on April 26, 2017. At the hearing, AAGT and the Debtor, through counsel, announced to the Court that the Motion and Objection had been resolved by agreement under which the parties agreed to the entry of this Consent Order.

Based upon a review of the Motion, the Objection, and the other pleadings in this bankruptcy case, and with the consent of AAGT and the Debtor, as evidenced by the signatures below of their respective counsel;

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. The Motion and Objection have been resolved between the parties who have agreed to the terms of this Consent Order.

2. The automatic stay under section 362 of the Bankruptcy Code shall remain in effect as to the Debtor's right to continue to occupy and use the Property to and through May 31, 2017.

3. The Debtor shall vacate the Property on or before May 31, 2017 and possession of the Property shall be returned to AAGT on June 1, 2017.

4. AAGT is granted relief from the automatic stay pursuant to section 362(d) of the Bankruptcy Code for the limited purpose of exercising its non-bankruptcy rights in taking possession of the Property effective June 1, 2017.

5. Prior to June 1, 2017, AAGT shall have the right to access and enter the Property at reasonable hours to exhibit the Property to prospective purchasers or tenants.

6. The Debtor shall remit payment for the May, 2017 rent, in the amount of \$3,465.00, to AAGT by May 25, 2017.

7. AAGT shall have the right to file i) an administrative expense claim in the bankruptcy case for any unpaid, post-petition rent for the Property, and ii) a proof of claim in the bankruptcy case for any pre-petition amounts owed to AAGT related to the Debtor's pre-petition occupancy and use of the Property.

8. The Lease Agreement is hereby rejected by the Debtor pursuant to section 365 of the Bankruptcy Code.

9. The 14-day stay of an order granting relief from the automatic stay under Bankruptcy Rule 4001(a)(3) is not applicable.

Consented to by:

/s/ Robert A. Cox, Jr.

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Counsel for the Debtor

This Order has been signed electronically
The Judge's signature and Court's seal
appear at the top of the Order.

United States Bankruptcy Court